

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2721 - SB 2896

March 10, 2020

SUMMARY OF ORIGINAL BILL: Requires certain public libraries to establish a Parental Library Review Board (PLRB) to determine if certain material available within the library is age-inappropriate material for minors. Establishes penalties for any library or library personnel who violate an order of the PLRB.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures – \$22,900/FY20-21 and Every Two Years Thereafter*

SUMMARY OF AMENDMENT (016545): Deletes and rewrites all language after the enacting clause such that the substantive changes: (1) remove creation of a PLRB; (2) require proposed library presenters to provide the local library board with any sexual material to be presented prior to the presentation; (3) require the local library board to inspect such material and approve or deny its presentation based on age-inappropriate sexual material; (4) establish that any proposed library presenter found in violation commits a Class A misdemeanor punishable by a fine, term of imprisonment, or both; (5) establish that public library personnel committing a Class A misdemeanor are subject to a fine only; and (6) authorize local library boards to require a national criminal background check be performed on any proposed library presenter, at the presenter's expense.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue – Exceeds \$700/FY20-21 and Subsequent Years/TBI

Increase State Expenditures –

Exceeds \$700/FY20-21 and Subsequent Years/TBI

Assumptions for the bill as amended:

- The proposed language establishes the following penalties for noncompliance:
 - A public library found in noncompliance with the terms of the proposed language is deemed ineligible to receive state funds;

- A library employee who intentionally fails to perform any duty imposed on a public library commits a Class A misdemeanor and subject to a fine not to exceed \$500; and
- A presenter of material at a public library who intentionally violates a determination made by the local library board commits a Class A misdemeanor and is subject to imprisonment for a term not greater than 11 months and 20 days, a fine not to exceed \$500, or both.
- Based on information provided by the Secretary of State there are currently 201 legally established library systems statewide. Libraries are eligible to receive state funding through grants; however libraries do not automatically receive an appropriated amount of state funding. It is assumed that libraries will comply with the orders of a PLRB in order to retain eligibility for such grants.
- Local library boards will accomplish the required review of material utilizing current staff and resources.
- There will not be a sufficient change in the number of misdemeanor prosecutions for the state or local government to experience any significant change in revenue or expenditures.
- Local library boards will be authorized to require national criminal background checks of persons presenting at the library prior to such person having contact with minor children.
- Costs associated with a national criminal background check total \$35.15.
- The disbursement of this fee is as follows:
 - Tennessee Bureau of Investigation (TBI): \$13.25;
 - Federal Bureau of Investigation (FBI): \$13.25; and
 - Applicable vendor: \$8.65.
- It is reasonably estimated that at least a quarter of or 50 (201 x 25.0%), libraries statewide will require one presenter annually to receive a national criminal background check prior to presenting at the local library.
- The proposed language will result in a recurring increase in state revenue to the TBI exceeding \$663 (\$13.25 x 50) beginning in FY20-21.
- It is assumed that the cost for the TBI to perform such background checks offsets equally with the revenue collected to perform them; therefore there will be a recurring increase in state expenditures to the TBI exceeding \$663 beginning in FY20-21.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/jrh